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EXAMINER

YODER III, CHRISS S

ART UNIT PAPER NUMBER

2612

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,068

Applicant(s)

JACKEL ET AL.

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-2, 4-10, 11-17, and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 6, 11, 13, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US Patent # 6,721,001) in view of Steinberg (US Publication # 2002/0041329).
2. In regard to claim 1, note Berstis discloses the use of camera elements for capturing image information (column 2, lines 55-60; and figure 2: 204), an audio element including a microphone for recording audio input (column 2, lines 55-65; and figure 2: 210), a microprocessor for storing said captured images and recorded audio information and associating one with the other (column 3, lines 18-23; and figure 2: 208 and 214), a wireless modem arrangement coupled to the microprocessor for transmitting said stored image and audio information to a network-based server (column 2, lines 34-46).

Therefore, it can be seen that Berstis fails to disclose receiving information associated with said transmitted image and audio information. Steinberg discloses the step of receiving information associated with information transmitted from the camera to the network-based server (paragraph 0049; a signal is sent from the camera to the server, and a message is received by the camera in response). Steinberg teaches that the receipt of information associated with said transmitted information is preferred in order to provide an interactive messaging system (paragraph 0041). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Berstis device to include the receipt of information associated with said transmitted image and audio information as suggested by Steinberg.

3. In regard to claim 6, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless digital camera system as claimed in claim 1. Therefore, it can be seen that the primary reference fails to disclose the use of a wireless modem comprising a cellular digital packet data (CDPD) PCMCIA modem. Official notice is taken that the concepts and advantages of using cellular digital packet data (CDPD) PCMCIA components are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference to include the use of PCMCIA components in the digital camera in order to allow the user to change the type communications and to allow the upgrade of components when desired.

4. In regard to claims 11, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless digital camera system as claimed in claim 1. Therefore,

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it can be seen that the primary reference fails to disclose that the camera includes an automatic recording element to prompt the camera to record an updated image at a predetermined rate. Official notice is taken that the concepts and advantages of using a camera that includes an automatic recording element to prompt the camera to record an updated image at a predetermined rate are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference to include the use of a camera that includes an automatic recording element to prompt the camera to record an updated image at a predetermined rate in order capture time lapse or motion detected frames of photography for applications such as surveillance so as to save storage space and bandwidth.

5. In regard to claim 13, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless camera system as claimed in claim 11. Therefore, it can be seen that the primary reference fails to disclose that the predetermined rate is sufficient to record an essentially streaming image signal. Official notice is taken that the concepts and advantages of using a predetermined rate that is sufficient to record an essentially streaming image signal are notoriously well known and expected in the art. Therefore, it would have been obvious to modify the primary device to include the use of a predetermined rate sufficient to record an essentially streaming image signal in order to distribute the video over a network in real time.

6. In regard to claim 25, note Berstis discloses the use of a wireless communication link between the wireless digital electronic camera and a data communication network (column 2, lines 34-36).

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7. Claims 2, 4, 7-9, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US Patent # 6,721,001) in view of Steinberg (US Publication # 2002/0041329) and in further view of Bodnar et al. (US Publication # 2004/0218045).

8. In regard to claim 24, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless digital camera system as claimed in claim 1. Therefore, it can be seen that primary reference of Berstis in view of Steinberg fails to disclose having a network-based server that configures the received image and audio information for presentation to viewers and retrieves web site address information from the received image and audio information and forwards the received image and audio information to a web site defined by the web site address information. Bodnar discloses the use of a network-based server that configures the received image and audio information for presentation to viewers (paragraph 0088, lines 8-12) and retrieves web site address information from the received image and audio information and forwards the received information to the web site defined by the web site address information (paragraph 0091, lines 5-10). Bodnar teaches that the use of a network-based server that configures the received image and audio for presentation and forwarding the information to a defined web site is preferred in order to automate the process of uploading pictures to a website for others to view over the web (paragraph 0010). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of a network-based server that configures the received image and audio information for presentation to viewers and retrieves web site

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address information from the received image and audio information and forwards the received information to the defined web site as suggested by Bodnar.

9. In regard to claim 2, note the primary reference of Berstis in view of Steinberg and Bodnar discloses the use of a wireless digital camera system as claimed in claim 24. Therefore, it can be seen that the primary reference fails to disclose that the use of web site comprises an interactive web page allowing a viewer to input reply information forwarded to the wireless digital electric camera over the wireless communication link and received and stored in the camera. Although the primary reference does not explicitly state that the web site is interactive, it implied in order for the users to interact with the web page. Steinberg discloses a message that is forwarded to the wireless digital electronic camera over the communication line and stored in the camera (paragraph 0048; figure 6B: 73; the camera receives personal messages such as the one seen in figure 5).

10. In regard to claim 4, note Steinberg discloses the use of a display on the electronic camera (figure 2:48). Therefore, it can be seen that the primary reference of Berstis in view of Steinberg and Bodnar fails to disclose that the defined web site includes a dialog box for inputting a text response. Official notice is taken that the concepts and advantages of using a dialog box on a web page to enter text is notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference to include the use of text box to enter text for the reply in order to organize the input characters to be sent.

11. In regard to claim 7, note Berstis discloses that the microprocessor stores a listing of identification information associated with permitted viewers of the web site display (column 5, lines 1-7; the information concerning the recipient for each picture is considered to include the user list).

12. In regard to claim 8, note the primary reference of Berstis in view of Steinberg and Bodnar discloses the use of a wireless digital camera system as claimed in claim 7. Therefore, it can be seen that the primary reference fails to disclose the use of a web server that includes an authorization processor for checking the identification information of a potential viewer prior to allowing access to the defined web site. Official notice is taken that the concepts and advantages of an authorization processor for checking the identification information (i.e. login information such as a username and password) of a potential viewer prior to allowing access to the defined web site are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference to include the use of an authorization processor for checking the identification information of a potential viewer prior to allowing access to the defined web site in order to protect the information from unauthorized viewing.

13. In regard to claim 9, note the primary reference of Berstis in view of Steinberg and Bodnar discloses the use of a wireless digital camera system as claimed in claim 7. Therefore, it can be seen that the primary reference fails to disclose the use of a web server that includes an administrative feature capability to provide web display design, viewer authorization and statistical functionality. Official notice is taken that the

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concepts and advantages of a computer that has an administrative feature capability to provide web display design, viewer authorization and statistical functionality are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference to include the use of a computer that has an administrative feature capability to provide web display design, viewer authorization and statistical functionality in order to allow the user to design the website according to the user's preferences and to protect the information from unauthorized viewing by monitoring access and only allowing access to specified individuals.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US Patent # 6,721,001) in view of Steinberg (US Publication # 2002/0041329) and in further view of Bodnar et al. (US Publication # 2004/0218045) in further view of Strandwitz et al. (US Patent # 6,522,352) and further in view of Kanevsky et al. (US Patent # 6,618,704).

15. In regard to claim 5, note the primary reference of Berstis in view of Steinberg and Bodnar discloses the use of a wireless digital camera system as claimed in claim 4. Therefore, it can be seen that the primary reference of Berstis in view of Steinberg fails to disclose the transmission of audio files to the wireless camera to play the audio through the speaker and a text-to-speech element for converting the text response to an audio file.

Strandwitz discloses the transmission of audio files to the wireless camera to play the audio through the speaker (column 3, lines 30-39). It is commonly known in the

art that the use of transmission of audio files to the wireless camera and speaker for playback are preferred in order to review previously recorded media for communication/editing purposes. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include transmission of audio files to the wireless camera and a speaker for playing received audio signals as suggested by Strandwitz.

Kanevsky discloses the use of a text-to-speech element for converting the text response to an audio file (column 4, lines 30-34). Kanevsky teaches that the use of a text-to-speech (TTS) synthesizer is preferred in order to convert text that is input from a hearing-impaired person into an audio clip to be heard by a non-hearing-impaired person. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference to include the use of a text-to-speech (TTS) synthesizer as suggested by Kanevsky.

16. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US Patent # 6,721,001) in view of Steinberg (US Publication # 2002/0041329) and further in view of Needham (US Patent # 6,803,945).

17. In regard to claim 12, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless camera system as claimed in claim 11. Berstis discloses the use of a wireless packet network (column 2, lines 34-36), and Steinberg discloses the use of the network to send replies to the camera (paragraph 0047- paragraph 0048). Therefore, it can be seen that the primary reference fails to disclose that each updated image is automatically transmitted through the network to the web server. Needham

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discloses that each updated image is automatically transmitting over the network (column 2, lines 60-65). Needham teaches that automatically transmitting updated images over the network is preferred in order to record a surveillance area whenever something moves (column 2, lines 60-67). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of automatically transmitting updated images over the network as suggested by Needham.

18. In regard to claim 14, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless camera system as claimed in claim 13. Berstis discloses the use of a wireless packet network (column 2, lines 34-36). Therefore, it can be seen that the primary reference fails to disclose that the streaming image signal is automatically transmitted through the network to the web server. Needham discloses that the image signal is automatically transmitting over the network (column 2, lines 60-65). Needham teaches that automatically transmitting images over the network is preferred in order to record a surveillance area whenever something moves (column 2, lines 60-67). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of automatically transmitting images over the network and sending replies to the camera as suggested by Needham.

19. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US Patent # 6,721,001) in view of Steinberg (US Publication # 2002/0041329) and further in view of Osterweil (US Patent # 6,049,281).

20. In regard to claim 15, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless digital camera system as claimed in claim 1. Therefore,

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it can be seen that the primary reference fails to disclose that the network-based server includes an alert element for transmitting an alert signal to potential viewers when new image information is received. Osterweil discloses the use of an alarm that is activated when significant changes in sequential photographs of the same image occur (column 9, lines 40-46; the image that is captured when the change is recognized is considered to be the new image that is received). Osterweil teaches that the use of an alarm that creates an alert message when significant changes in sequential photographs of the same image occur is preferred in order to notify others of a movement that has taken place (column 1, lines 16-28). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the use of an alarm that creates an alert message when significant changes in sequential photographs of the same image occur as suggested by Osterweil.

21. Claims 16-17, 19-20, 22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US Patent # 6,721,001) in view of Steinberg (US Publication # 2002/0041329).

22. In regard to claim 16, note Berstis discloses the use of an interactive wireless digital electronic camera (figure 1: 102-130 is considered to be the camera) including camera elements for capturing image information (column 2, lines 55-60; and figure 2: 204), an audio element including a microphone for recording audio information (column 2, lines 55-65; and figure 2: 210), a microprocessor for storing said captured images and recorded audio information and associating one with the other (column 3, lines 18-23; and figure 2: 208 and 214), and a wireless modem arrangement coupled to the

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microprocessor for transmitting said stored image and audio information over the wireless packet network (column 2, lines 34-36) to a network-based server (column 2, lines 40-46).

Therefore, it can be seen that Berstis fails to disclose a camera having a display element for showing photographs taken by the camera and textual replies received over a network, as well as receiving incoming information associated with said transmitted image and audio information.

Official notice is taken that the concepts and advantages of a camera having a display that shows the photographs taken by the camera are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Berstis device to include a display that shows the photographs taken by the camera in order to allow the user to preview / edit the images.

Steinberg discloses the use of a display element that displays received information (paragraphs 0047-0049; a signal is sent from the camera to the server, and a message is received by the camera in response). Steinberg teaches that the receipt of information associated with said transmitted information is preferred in order to provide an interactive messaging system (paragraph 0041). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Berstis device to include the receipt of information associated with said transmitted image and audio information as suggested by Steinberg.

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23. In regard to claim 17, note Steinberg discloses the use of a display element for displaying received text information from a viewer of camera images stored on the network-based server (paragraph 0034, lines 1-7; and figure 2: 48).

24. In regard to claim 19, note Berstis discloses that the microprocessor stores a listing of identification information associated with permitted viewers of the transmitted images (column 5, lines 1-7; the information concerning the recipient for each picture is considered to include the user list).

25. In regard to claims 20, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless digital camera as claimed in claim 19. Therefore, it can be seen that the primary reference fails to disclose that the camera includes an automatic recording element to prompt the camera to record an updated image at a predetermined rate. Official notice is taken that the concepts and advantages of using a camera that includes an automatic recording element to prompt the camera to record an updated image at a predetermined rate are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference to include the use of a camera that includes an automatic recording element to prompt the camera to record an updated image at a predetermined rate in order capture time lapse or motion detected frames of photography for applications such as surveillance so as to save storage space and bandwidth.

26. In regard to claim 22, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless camera system as claimed in claim 20. Therefore, it can be seen that the primary reference fails to disclose that the predetermined rate is

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sufficient to record an essentially streaming image signal. Official notice is taken that the concepts and advantages of using a predetermined rate that is sufficient to record an essentially streaming image signal are notoriously well known and expected in the art. Therefore, it would have been obvious to modify the primary device to include the use of a predetermined rate sufficient to record an essentially streaming image signal in order to distribute the video over a network in real time.

27. In regard to claim 26, note Berstis discloses the use that the microprocessor processes and compresses the stored image and audio information for transmission (column 3, lines 18-24).

28. Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US Patent # 6,721,001) in view of Steinberg (US Publication # 2002/0041329), and further in view of Needham (US Patent # 6,803,945).

29. In regard to claim 21, note the primary reference of Berstis in view of Steinberg discloses the use of a wireless camera system as claimed in claim 20. Berstis discloses the use of a wireless packet network (column 2, lines 34-36). Therefore, it can be seen that the primary reference fails to disclose that each updated image is automatically transmitted through the network to the web server. Needham discloses that each updated image is automatically transmitting over the network (column 2, lines 60-65). Needham teaches that automatically transmitting updated images over the network is preferred in order to record a surveillance area whenever something moves (column 2, lines 60-67). Therefore, it would have been obvious to one of ordinary skill in the art to

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modify the primary device to include the use of automatically transmitting updated images over the network as suggested by Needham.

30. In regard to claim 23, note Needham discloses that the image signal is automatically transmitting over the network (column 2, lines 60-65).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
July 8, 2005



THAI TRAN
PRIMARY EXAMINER